PATENT
IN THE SUNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Donald R. Huffman, et al. Examiner: P. DiMauro

Serial No.: 08/486,669

Art Unit: 1754

Filed: June 7, 1995

Docket: 7913ZAZYX

For: NEW FORM OF CARBON

Assistant Commissioner for Patents Washington, DC 20231

SUPPLEMENTAL DECLARATION OF DONALD R. HUFFMAN UNDER 37 C.F.R. \$1.131

Sir:

I, Donald R. Huffman, declare and say as follows:

1. I am a co-applicant of the above-identified application.

application is Wolfgang Kratschmer, with whom I have collaborated. Although Dr. Kratschmer conducted his research at the relevant time at the Max Planck Institute in Germany, during the course of our collaboration, we have regularly communicated with one another, exchanging ideas, concepts and experimental details and results. In addition, we have visited each other's laboratories and have conducted additional research therein during our visits relating to the subject matter of the present invention described in the above-identified application. All of our combined activities have led to the completion of the invention described and claimed in the above-identified application.

3. I am currently a Regent's Professor of Physics, at the University of Arizona. I have received several accolades and awards relating to the subject invention, which include, inter alia, a Material Research Society Annual Medal Award in 1993, which I shared with Dr. Kratschmer, for the "Discovery of a Way to Produce Macroscopic Quantities of the Fullerenes and for Ellucidating (sic) Many of the Physical and Chemical Properties", and the Hewlett-Packard EuroPhysics Prize in 1994, which I shared with Drs. Kratschmer, Smalley and Kroto, for the "Discovery of New Molecular Forms of Carbon and their Production in the Solid State".

My <u>curriculum vitae</u> which lists, <u>inter alia</u>, my awards and honors and publications, is attached hereto as Exhibit A. (Exhs. A-1 to A-8).

- 4. It is my understanding that the United States
 Patent and Trademark Office cited a paper by Kratschmer, et al.
 published in <u>Chemical Physics Letters</u>, <u>1990</u>, 167-170

 ("Kratschmer, et al.") in support of a rejection of the aboveidentified application.
- 5. It is my understanding that Kratschmer, et al. published on July 6, 1990.
- 6. The invention described and claimed in the above-identified application was completed in the United States prior to July 6, 1990, i.e., the publication date of Kratschmer, et al.

- The present invention is directed to a method of producing fullerene-60 and fullerene-70 as species of fullerenes in macroscopic amounts. An integral part of the present invention comprises vaporizing elemental carbon, e.g., graphite, in the presence of an inert quenching gas under conditions effective to form a soot comprising fullerenes, e.g., fullerene-60, which species of fullerenes are present in the sooty carbon product in macroscopic amounts. Proving that macroscopic amounts of fullerene species, e.g., fullerene-60, are present in the soot required isolation of the same from the Thus, in addition to the step of producing species of fullerenes, e.g. fullerene-60, in macroscopic amounts, much of the activity described hereinbelow focused on proving that the species were produced in macroscopic amounts . Thus, we undertook to isolate fullerene-60 and fullerene-70, as species of fullerenes, from the soot.
- 8. As evidence that these acts, including the completion of the present invention in the U.S., occurred prior to the publication of Kratschmer et al., annexed hereto and made a part hereof are Exhibits B-I consisting of photocopies of laboratory records of experiments conducted in the laboratories at the University of Arizona.
- 9. The acts reported in the laboratory notebook entries were conducted prior to July 6, 1990, the publication date of Kratschmer, et al. either by myself or by someone working under my direction and control.

X

10. Data not pertinent to this invention and dates have been masked out in the preparation of these photocopies.

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- process as to the acts described herein, reference is made to Exhibit B, which is a photocopy of 4 pages from Dr. Lowell Lamb's laboratory notebook, identified as Pages B-1 to B-4. Dr. Lamb, at the relevant time, was a graduate student working in my laboratory under my supervision and control.
- Exhibit B summarizes in detail an embodiment of the present invention for producing fullerene species, e.g., fullerene-60, in macroscopic amounts. It describes that graphite rods are vaporized in an inert atmosphere of helium, e.g., 100 torr of helium, in a belljar apparatus. Above the rods is a chimney made out of a 2" diameter quartz tube topped with two microscopic slides to collect the vaporized carbon The carbon smoke is scraped off the chimney and sides of the chamber, and placed in benzene. The benzene is evaporated off until a brownish gold residue remains, then the brownish gold residue is sublimed in an atmosphere of inert gas such as helium. The sublimed material is collected on a quartz In each of the instances wherein the product was substrate. isolated, it was produced in amounts that could be seen with the naked eye.
- 13. One product of the procedure described hereinabove in paragraph 12 is a relatively pure fullerene-60 molecule in macroscopic amounts. This is verified by the UV-

VIS spectrum, in which one observes a camel structure in the absorption pattern, e.g., three specific absorptions at about 220, 270 and 340nm in the UV. Since the absorption between 240 and 270 nm reminded us (Kratschmer and myself) of camel humps, we designated the spectra as camel humps. (The three absorptions turned out to be associated with and is reflective of the presence of fullerene-60 and fullerene-70 in the sample).

- pages B-3 and B-4, which are photocopies of additional pages in Lowell Lamb's notebook. Although the spectra are in color in the notebooks, the colors did not reproduce in the original photocopying. I have therefore retraced the lines with the appropriate colors on these pages of the exhibit and have written the appropriate color designations above and/or below the lines.
- 15. In the experiments described hereinbelow, the sooty carbon product was obtained by following the procedure outlined hereinabove. The emphasis in these experiments was to definitely prove that macroscopic amounts of fullerene species, e.g., fullerene-60, were produced. Thus, the emphasis in many of the exhibits is to separate the product produced in accordance with the procedure described herein from the soot and to show by measuring physical characteristics, such as UV spectra, IR spectra, X-ray diffraction pattern, and the like that the present process produced species of fullerenes, e.g.,

fullerene-60 and that they were produced in macroscopic amounts.

In the experiment described on pages B-3 and B-4, Lamb had followed the procedure described hereinabove and prepared fullerene species, e.g., fullerene-60, from soot, as described in paragraph 12. He had separated the fullerene products from the carbon sooty product by sublimation. specifically, he had sublimed the mixed fullerene products, containing, among other things, fullerene-60 and fullerene-70, from the soot, prepared in accordance with the procedure described in Paragraph 12 herein in a helium atmosphere until a thin film was formed on the surface of the quartz substrate. According to the procedure described therein, he removed the film from the quartz substrate and took the UV spectra of the collected material. As outlined in the notebook he continued subliming the material in the soot until another film appeared, which, he again isolated and scanned. He repeated this process until no more material was collected on the quartz substrate. It is noted that in the spectrum located on the right side of Page B-3, there are blue and red lines which show absorption at about 230, 270 and 340 nm. These absorptions turned out to be associated with and reflective of the presence of fullerene-60 and fullerene-70 in the sample. This again is illustrated by the blue and the red lines in the spectra located on the left side on page B-4.

- 17. Exhibit C is a photocopy of 9 pages of my notebook, identified as C-1 to C-9. These pages describe the vaporization of carbon in an inert atmosphere to form the carbon sooty product, as described herein, the isolation of the carbon soot and separation by sublimation of the fullerenes, e.g., fullerene-60.
- 18. Prior to any sublimation, I took the UV of the sample of carbon soot produced and isolated from the sides of the chamber in accordance with the procedure described herein. The UV confirmed the presence of fullerene species, in e.g., fullerene-60, the soot.
- 19. Pages C-1 to C-5 describe various separations of fullerene-60 from the collected soot by sublimation. Attention is directed to Pages C-4 and C-5, which not only describes a sublimation of the fullerene-60 from the soot, but also provides the spectra showing the camel humps referred to hereinabove, respectively. This spectra clearly evidence that the product contained fullerene species, e.g., fullerene-60.
- 20. Pages C6 and C7 describe additional sublimation experiments that were used to separate the fullerene-60 produced in macroscopic amounts from the soot. In the experiments described therein, a 1cm x 2cm microscope slide which had been heavily coated with carbon soot in accordance with the procedure described in paragraph 12 hereinabove, was heated. The heating was effected in a small quartz crucible surrounded by tungsten wire in the bell jar filled with about

one atmosphere of helium. The quartz substrate was placed just above the crucible for collecting the sublimed material. To prove that I had prepared the fullerene-60 in macroscopic amounts, I performed several sublimations and scanned the sublimed product each time. A typical UV is provided on Page C-9.

- 21. The UV spectra on page C-9 clearly shows the presence of the camel humps, and this clearly indicates that fullerene-60 was produced by the process described hereinabove.
- 22. Exhibit D is a photocopy of two pages of a laboratory notebook of Lowell Lamb. The sooty carbon product comprising macroscopic amounts of fullerene-60 was prepared as above. The isolation of a fullerene species, e.g., fullerene-60, from carbon soot and the purification of same, was effected by sublimation. Attached to the bottom of Page D-1 and Page D-2 is the UV and visible spectra, respectively, of the fullerene-60 product so obtained.
- 23. On the graph on the bottom of Page D-1, attention is drawn to the UV absorptions at 240, 270 and 340nm again indicating the presence of fullerene-60 in the sample.
- 24. Exhibit E is a photocopy of three pages of Lowell Lamb's laboratory notebook. Page E-1 is a visible spectra of fullerene-60, prepared in accordance with the procedure described hereinabove and shows absorption at about 415, 500, and 670nm, which is indicative of fullerene-60.

page E-2 describes modifications of the procedure described on Page 92 and 93 of the notebook (Pages B-1 and B-2). Moreover, it refers to an IR spectrum of fullerene-60 on NaCl produced in accordance with the procedure outlined on Pages B-1 and B-2. It refers to the absorption of the fullerene-60 at 1410 and 1180 cm., which turns out to be associated and reflective of the presence of fullerene-60. Page E-3 is a copy of IR spectra of fullerene-60 on NaCl referred to on Page E-2.

- 25. Exhibit F is a photocopy of relevant portions of a progress report which was written in Lowell Lamb's laboratory notebook. Page F-3 comments on the IR and UV spectra of the fullerene-60 sample obtained and reports that the procedure described in Exhibit B produces a fullerene-60 product in approximately 0.1 gram batches.
- 26. The fullerene products, produced in accordance with the procedure described hereinabove, were soluble in non-polar solvents and insoluble in polar solvents. This is indicated in Exhibit G, which is a photocopy of two pages of my notebook.
- 27. Exhibit G consists of two pages, Page G-1 and G-2. Page G-1 describes the tests which I conducted regarding determining the solubility of the fullerene product. I found that it is soluble in benzene, CS₂ and CCl₄, but insoluble in water, acetone, methanol and proponal.

- 28. The fact that the fullerene product is found to be soluble in non-polar solvents, while the soot was insoluble in the non-polar solvent was evidence that non-polar solvents could be used to extract the fullerene product from the soot. Thus, this represented an alternate means for separation of the fullerene product from the soot.
- 29. Page G-2 is the UV/VIS spectrum of the fullerene product dissolved in benzene.
- 30. The spectra referred to in paragraphs 21 and 29 are of exceptional quality and clearly show the presence of fullerene-60.
- 31. Exhibit H consists of one page and is an X-ray diffraction of the fullerene powder produced in accordance with the procedure described hereinabove. The spectrum is identical to the ones we and others published with respect to fullerene-60.
- 32. Exhibit I, consisting of one page, is a mass spectrum of the fullerene material produced in accordance with the procedure described hereinabove. It clearly shows the presence of two species of fullerenes, e.g., fullerene-60 (mass 720) and fullerene-70 (mass 840) in a single ionization, along with some breakup products of fullerene-60 such as doubly ionized fullerene-60.
- 33. These exhibits demonstrate that a process for the preparation and isolation of various fullerene species, e.g., fullerene-60 and fullerene-70 as species of fullerenes,

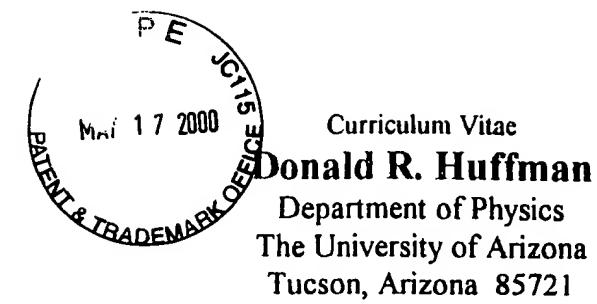
in macroscopic amounts has been performed by myself or under my direct supervision and control in the United States prior to the publication date of Kratschmer et al.

herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: May 10, 20

DONALD R. HUFFMAN

MJC:ahs/bb



DATE AND PLACE

OF BIRTH:

June 19, 1935: Fort Worth, Texas

EDUCATION:

1957 B.S. (Physics) Texas A&M University

1959 M.A.(Physics) Rice University

1966 Ph.D.(Physics) University of California, Riverside

1967 NSF Postdoctoral Fellow, University of Frankfurt, Germany

POSITIONS HELD:

1959-60 (and summers of 1960, 1961 and 1962) Research Engineer, Production Research Division of Humble Oil Company, Houston, Texas

1960-62 Instructor in Mathematics and Physics, Pepperdine University

1968-70 Assistant Professor of Physics, University of Arizona

1970-75 Associate Professor of Physics, University of Arizona

1975-76 (summers) Visiting Scholar, Department of Applied Mathematics and Astronomy, University College, Cardiff, Wales

1975-76 (Sabbatical leave) Visiting Scientist, Max-Planck Institute, Stuttgart; European Space Agency, Noordwijk, Holland.

1983-84 Humboldt Senior US Scientist Awardee; visiting scientist at Max-Planck Institutes for Nuclear Physics (Heidelberg) and Solid State (Stuttgart)

1975-93 Professor of Physics, University of Arizona

1993- Regents' Professor of Physics, University of Arizona

(fall semester sabbatical) Visiting Scientist, Max Planck Institute for Nuclear Physics, Heidelberg

AWARDS and HONORS:

1982-83 Alexander von Humboldt, Senior US Scientist Award

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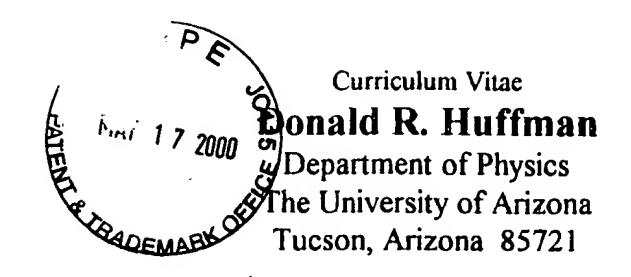
1993 Materials Research Society Annual Medal Award (w/ W. Krätschmer)
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for "Discovery of New Molecular Forms of Carbon and their
Production in the Solid State"

1994 Distinguished Alumni, University of California, Riverside

1994 Doctor of Laws (honorary) Pepperdine University

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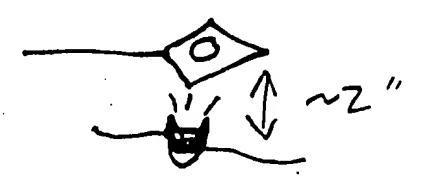
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- (B) Port grucible with residue into wire backet in vacuum
- of the, subline Cou onto quarte substrate at ~300 on Variac until film appears on substrate.



- (10) Remove substrate + scan from 400-200m.
- Descriptional

 (I) Repeat (1) +(0) until all of the other volatiles
 have been drive off. This will have happened when
 the spectrum recenses the brown spectrum taped
 in on page 4t. The bue and purple spectra are of
 samples which still contain this unknown volatile.
 What remains in the crucible is 60.

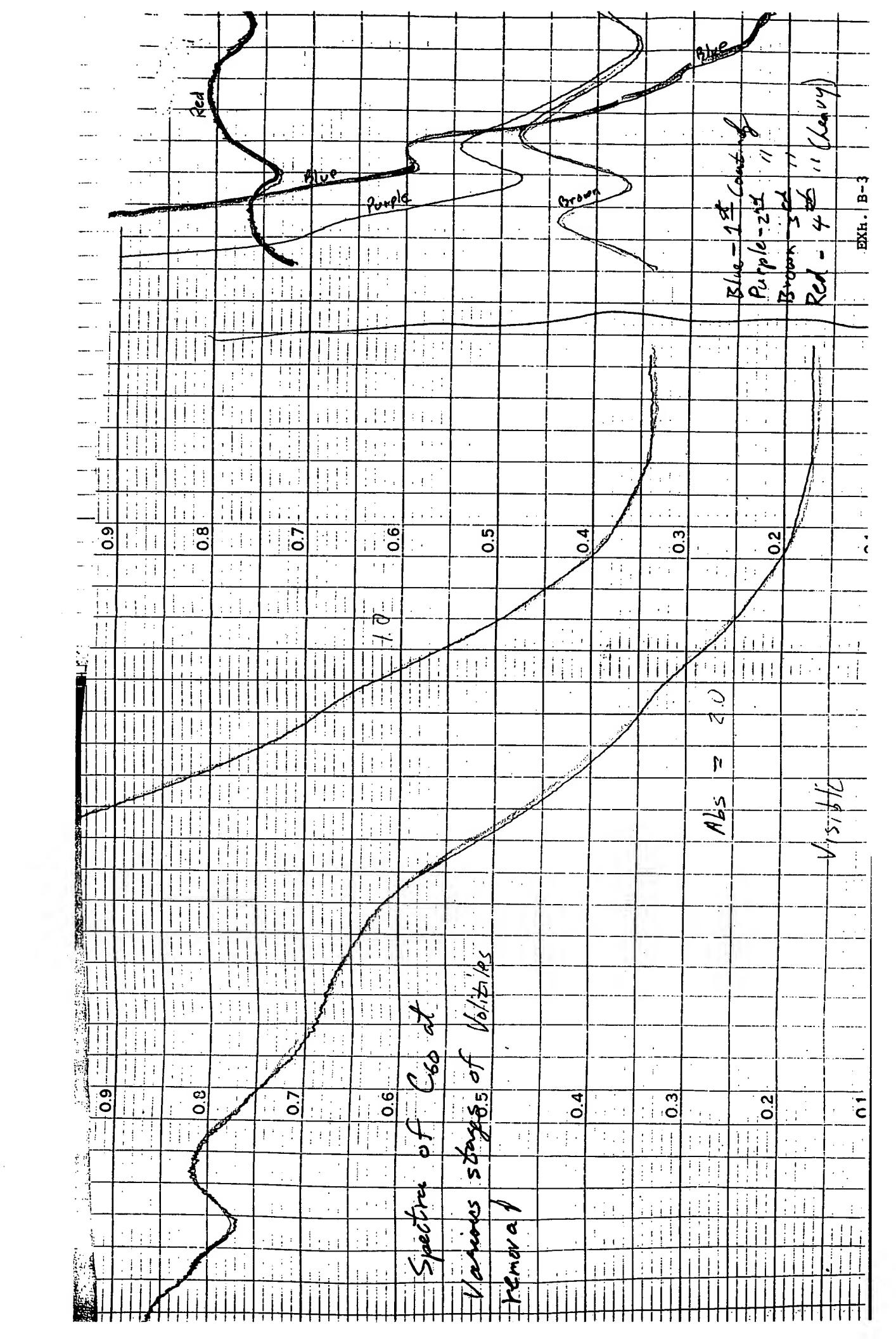
Temperature Daparlue four
Taped in on page 95 are the scons of a
Co sample D Blue - Room Temperature
D Green - Innerliably after inversion of
Comple - In No Temporary

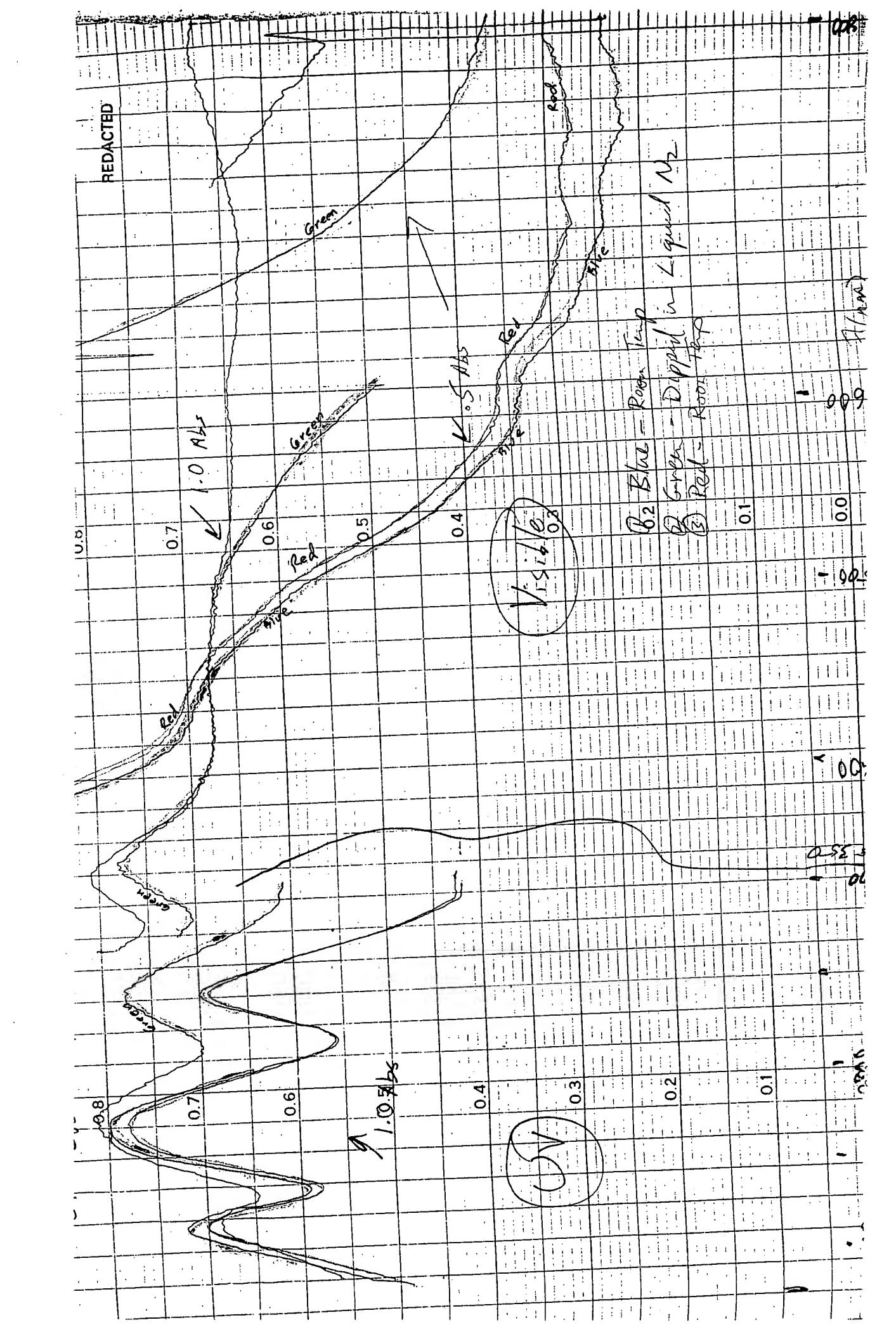
Temple - In No Temporary

Broad feature (Features?) in visible and of

425-525 am appear real.

RENO CV. Joyn T. Errosers





Go making

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Spaning Toman 1:

2 UV spectacion de de control de proper de la proper del proper de la proper de la proper de la proper de la proper de l

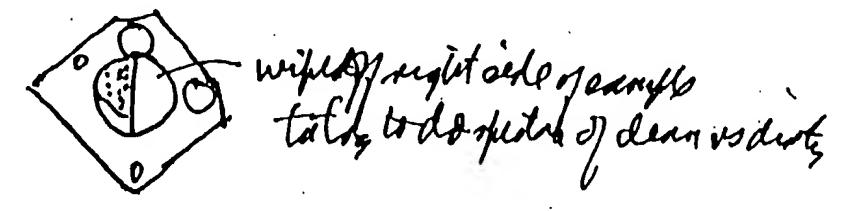
2 UV spectrum draws similes sendly Perhol = 2.29. Another production I perhetated the rate to allest the usual seniel of law temperature stuff to consopy & desprises

Und samples #1## 2 serepalogots try to sublemate Coo.



Mullistrant tringtin wein earl rehent crushly ento a shape that would bled a class geestly cincible: Water to about Goran wasses & Then exempthing gent:

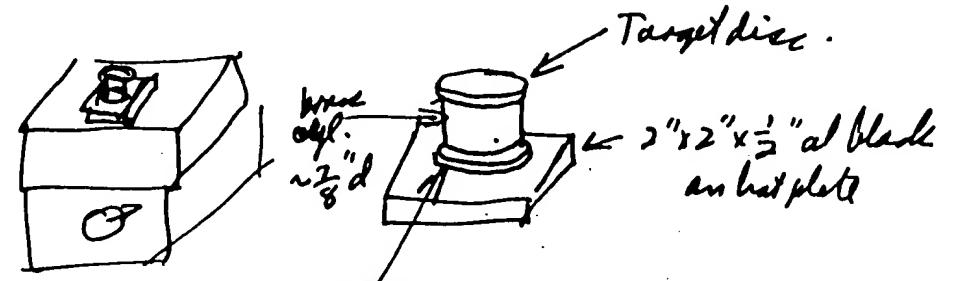
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(carx.)

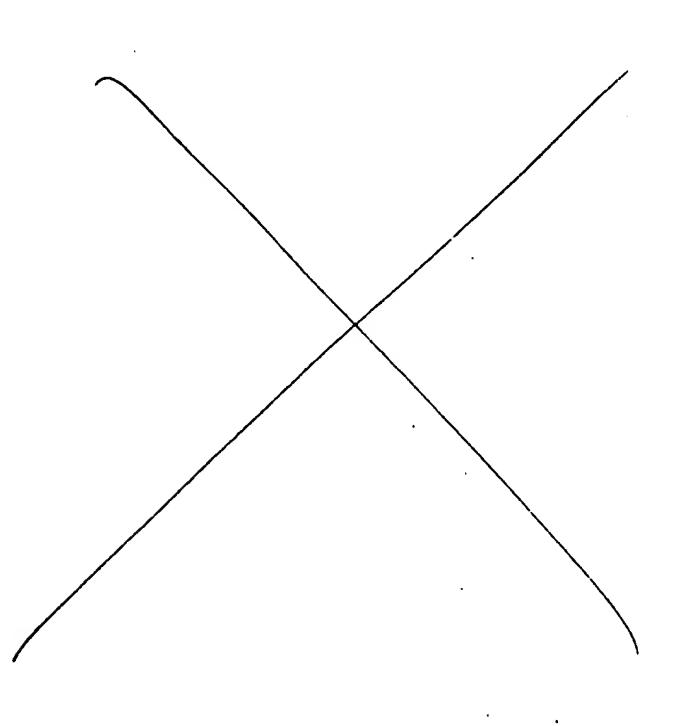
(cant.)

Attempt at Sublimetion of Coo in Air



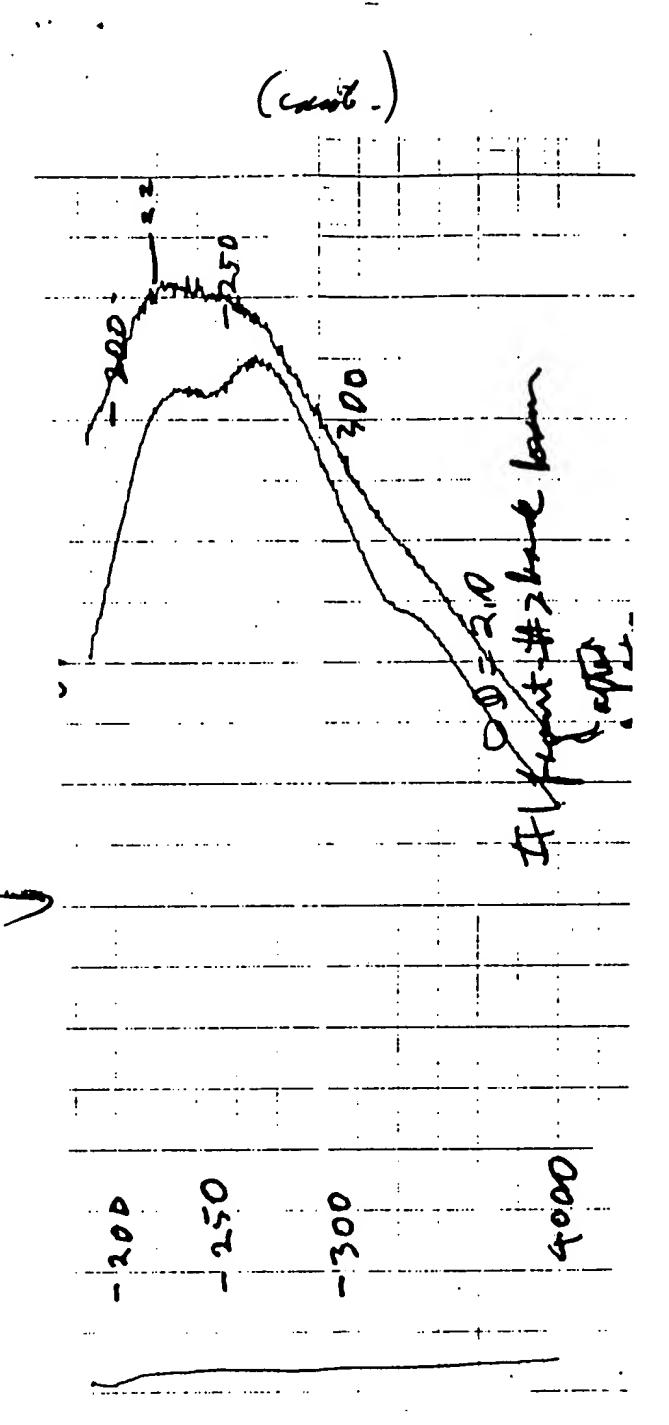
Sauce of C+ (60

(Neally for 18 min in the above arrangement. No infection of anything an trajet disc. Re-analysis of MV spetterm of sauce dies shows change away Hern of bump structure.



EXH. C-2

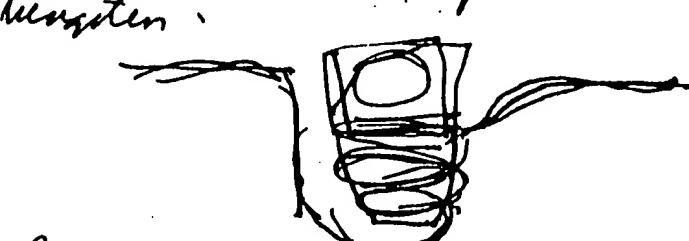
Tee neft pag



EXH. C-3

(cont.)

For neft tog at authening (60 I wound a new cail assund the dear quarty consiles and of 3. strules turneten.



Placet al. hollet with siticadies just where the crucille.
Note: perspective of drawing about is not good.
Scroped cashen off the cample baller from a pulsains tun - also called same by scrafing from pasts and other bankware in the chamber.

Flushed chamber w/ 1/2 \$ fillet to ~ 3 atm. Heater flament ~ 15 and will I aleserate ramethy on disc.

Spediamen appasite perge shows that I indied succeeded in concentrating C60.

The sample again upproved bluish by scattered light in the francould disection and perhaps rellish by transmission. These wase same flater of the fluffy corbinallist seemile best masses the surface.

Twitten to get observed in Flak, cost obsir by not perating of the cashen into fluffy apprente.

EXH. C-4

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7.6	
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	0.5 0.5 0.5

Mare (60 making

#1 Thee 3mm deamented had in 9ty. tale w/microsofo

Spring
Spection
Spectium of slope intules shows
malerile to respondence.

Same sing as absent but 1-2 mindia. rold, a little larger than usual (n1cm). Rod mapped when beating stabled but small continued as sharlene part was perded by spring expanded stape.

Heavy coaling an inside of ring & An slide.

Willberg again with a Hamm X n8 min tip to get middle Coo. Then boy to concentrate it.

Heated rather quistly. Tip callopeed. ~5 recin all total to present driving off the Coo.

If 4 Microscope slide prem # 2-3 with beauty chaling is beden with a few prices to Et with checkle. Idea is to The Gr prement the fluffy continument from yesterday by subleming dutilly from chall slide.

EXH. C-6

Methy planail to ~ 10 amps an melan. Filement mis buliasing
Westing mass laware destructo later settles lacen as that emission
well besting accounted 40 answers - 20 an warment meter.
Left of fei ~ 3 min while I absorbed deposition every
initioscope light prem above.

which by time.

Twaports resulted. has spectrum Jeach. Totals different
Nan't underbinates blie-by tonor, part.

Chamel solutions - will now try same change or drawn un Collema) to see yang Coistoff.

Cont. 3 min - 30 r - 12.5 amp an premary
appears to he send ready small closel present & dello
in chamber as recied by midstacy lampeate closenber in
dadwed some. No existent of any were Coo or anyting elel
Alfording on retrolette.

Nawtry an unbested parties (km x 1cm) of heavily cooled mussing slide (#1 # #2). Insigned pawer runne gradually, at 26.5 st & Hamp primary would I see affailly chamber. Chair devolopen substrate. also alwans make in the chamber.

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relatively states getting costing an reductively states and the following set there was a state of the following set there was a substate.

Various spectrum on charts.

Various spectrum on charts.

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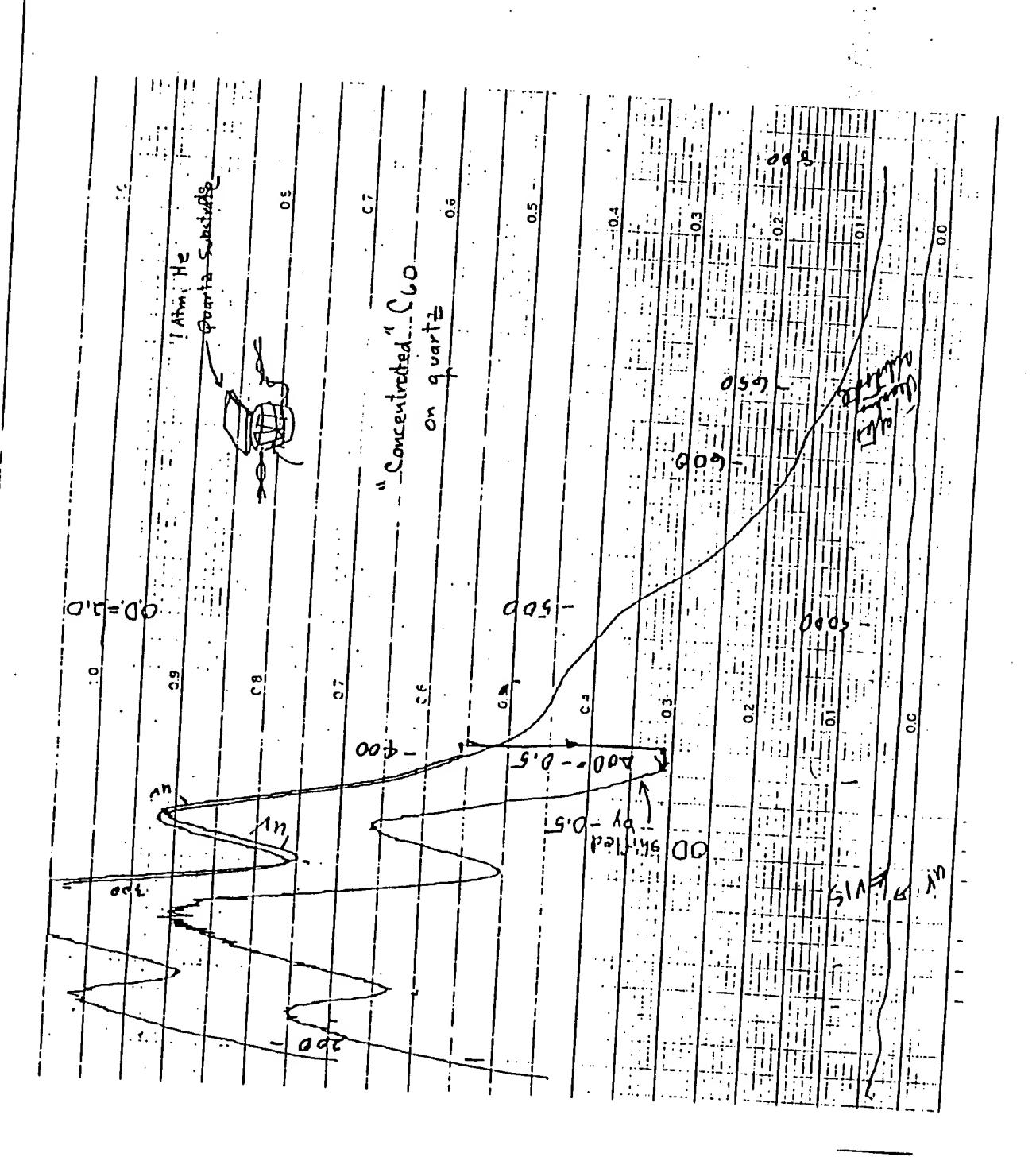
Tre Standord Cartition to moto being 60 amoles.

Joseph P= 380 anguage

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To W. Krad schmer

Spectrum of concentrated" smoke



0,

Topsed in helow is the UV scar of the sample, and taped in an page 91 is the Visible scan. Those appear to be 4 absorption features superingray
on the broad center feature in the visible. The 620 nm
and 730 nm may be instrumental error (see beceline).
The 445 and 445 are close to the 4428 A and
4882 nm DIB 115 are close to the 4428 A and scale = W -£00-200 0.2 8.0 0.7 400

REDACTED Modification Modifications, to Smake, Production Method on pages 92 493. Stepa () - Tip dianeter ~ 5" Step 9 - Substrate - Crucible separation GUESTION Derhy am I not seeing some of the DIBS? Spacifically, why am I not seeing the 5800 1 feeture? I am only seeing pure canbon bondon carbon 60 with a trapper the features. The other DIBS are due to Gowith various cons trapped inside. The other DIBS on due to Go Gro, ... Taped in on page 98 in an IR scan of Go on Nacl. Carful conserison of the baseline to the absorption spectrum shows only two features - at \$ 1410 4 1180 and in hase mutch up well to the Kritischmer et al tentares at #29 and 183 cm. In hitar this morning, he states that they are still speing contamination due to C-H/at 2900an. see that in my spectrum, so elette it is not present on the instrument is not service knowly.

	de de la companya de	
	99	
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Progress Report		
	;	

IV UV-Visible

I have obtained good spectra of Co from about 200-700 nm using the CARY 118. Scans are tapad in on pages 90,91,96. I see visible features at 445,500, 670, and passibly 620 nm.

I IR Spectra

An IR scan from 4000-800 cm' is typed in on page 98. I see the two features at 1429 and 1183 ent and no other features. There seems to be relatively little containation.

II Near IR

Using the CARY 14, I've made some preliminary scans from 600-1600 nm. There is rally only one cardidate feature - at 1280 nm - but I don't have a baseline yet.

III Co Production

The most inportant thing I've done in refine our nother for the production. I would estimate that we are now able to make it in a 0.1 gram batches. The purity appears to be very high,

REDACTED

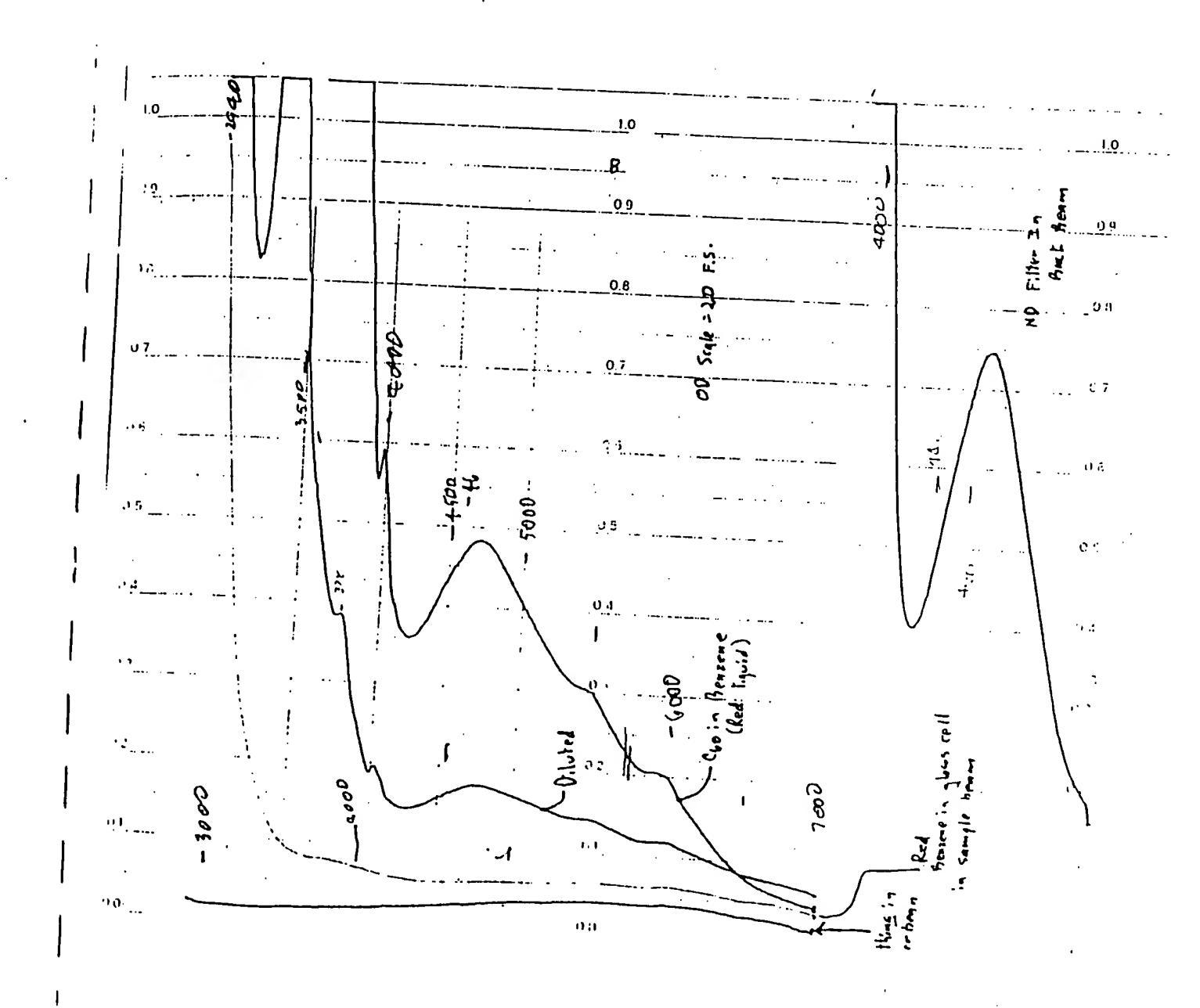


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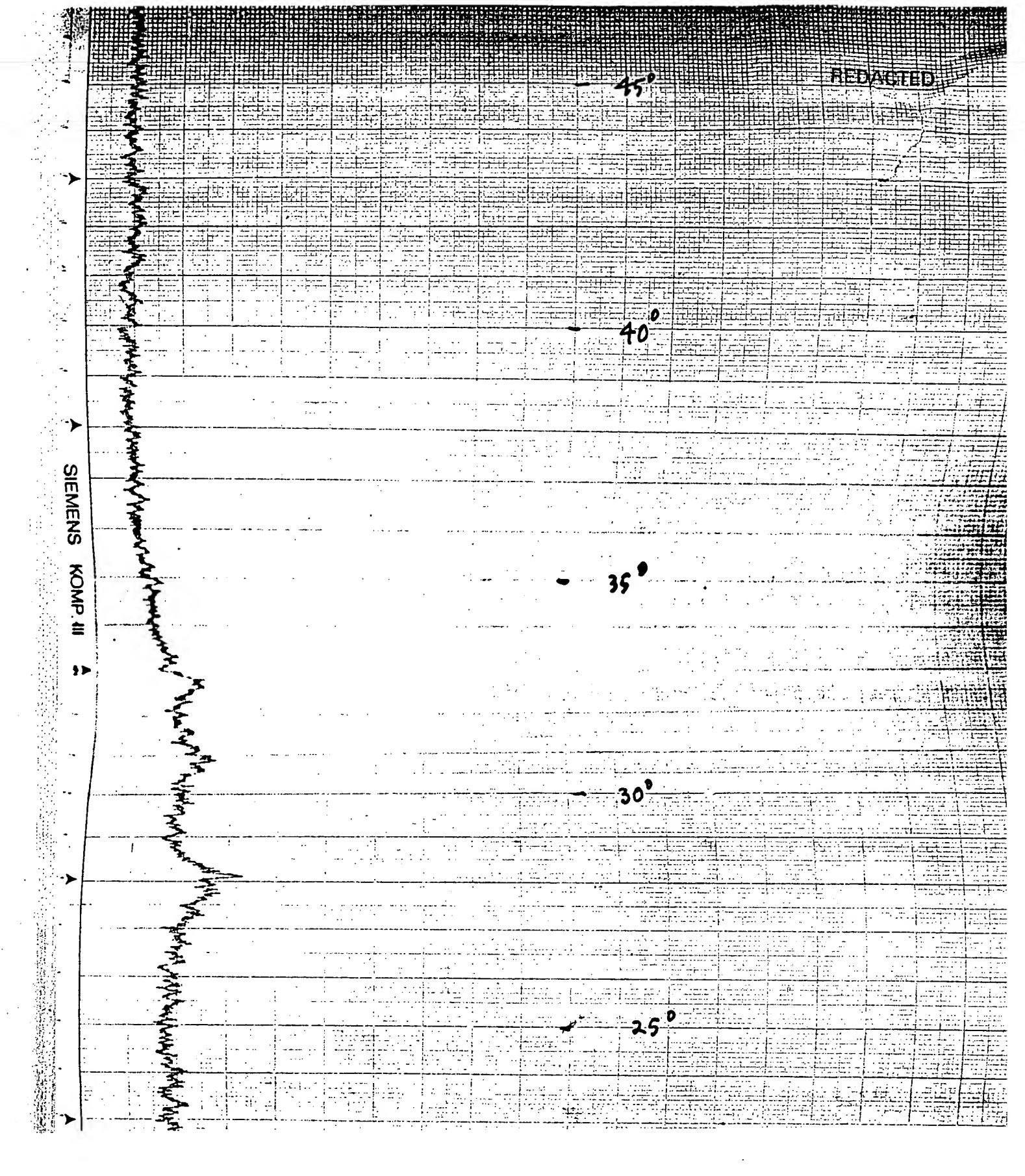
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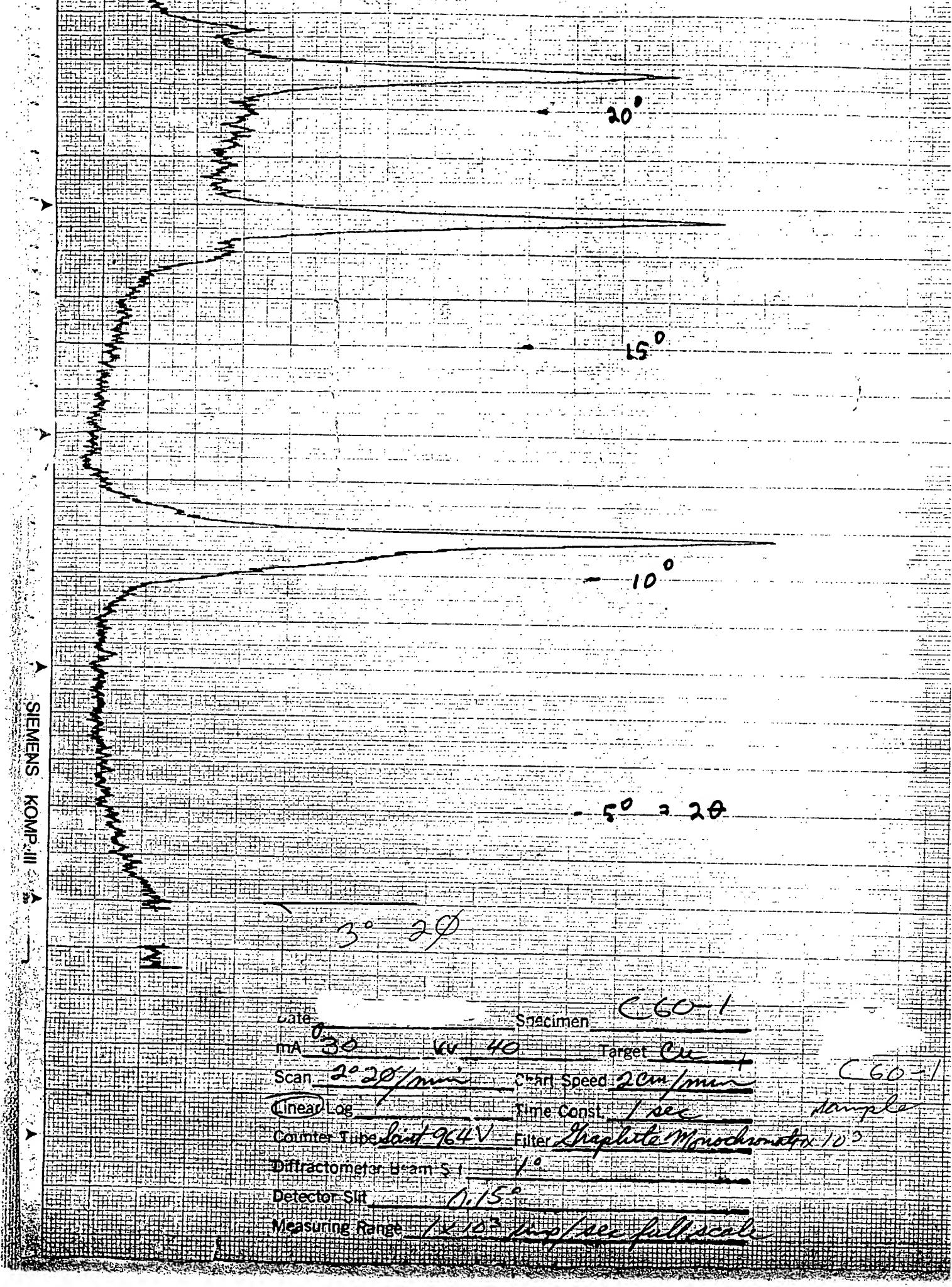
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EXH. 6-1

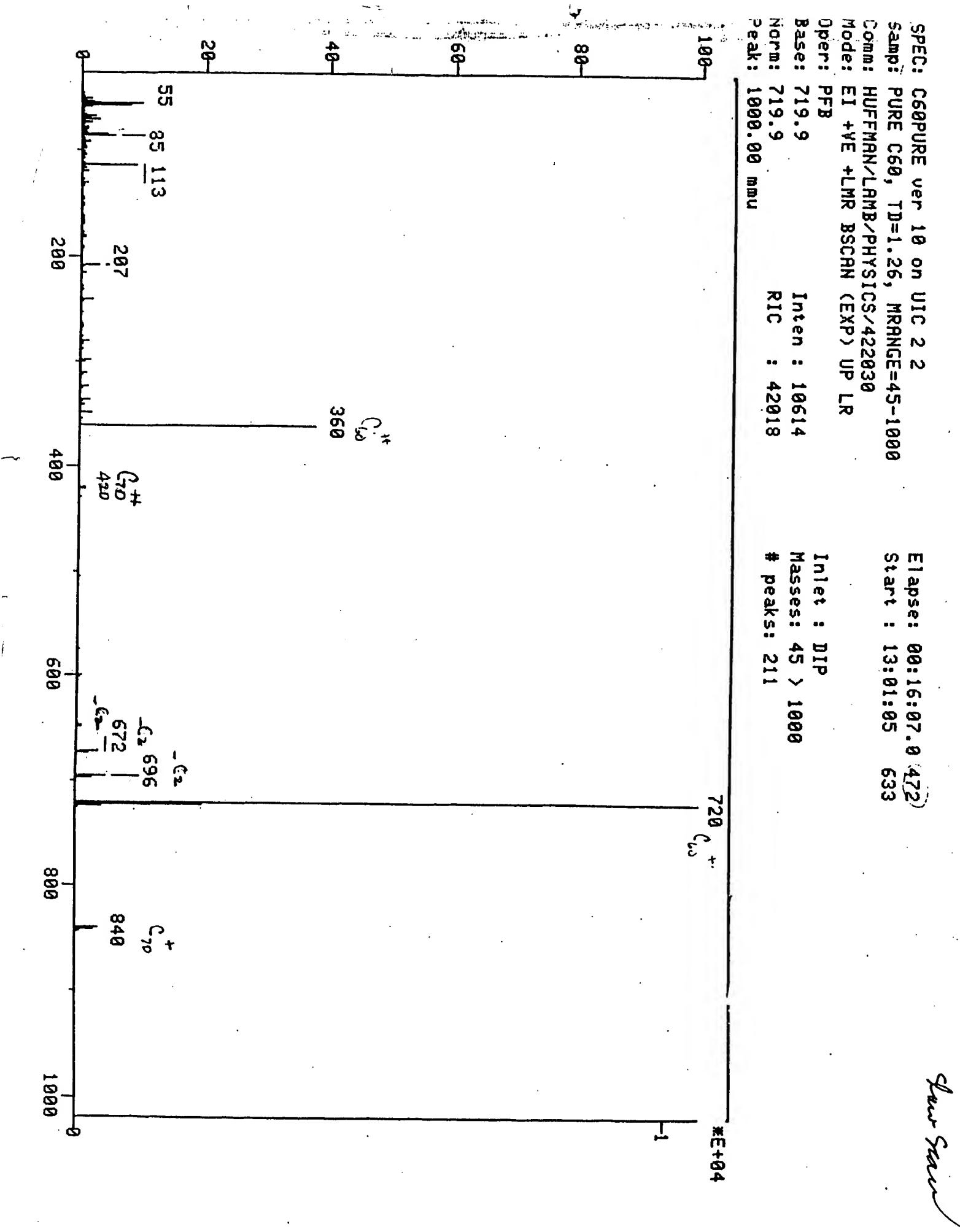


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EXH. H



EXH. I

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